

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 21-47498

TAMELA MACKEY-HAMILTON,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING THE DEBTOR'S MOTION
TO EXTEND THE AUTOMATIC STAY**

This case is before the Court on the motion filed on October 2, 2021 by the Debtor, entitled "Debtor's Motion to Extend Automatic Stay" (Docket # 14, the "Motion"). The Court must deny the Motion, because it was not timely filed, and the Debtor corrected the deficiency in the Motion at a time that made it too late to enable the Court to comply with the 30-day hearing deadline of 11 U.S.C. § 362(c)(3)(B).¹

Under 11 U.S.C. § 362(c)(3)(B), in order for the Court to extend the automatic stay, a hearing on a motion to extend the automatic stay must be completed within 30 days after the filing of the case. Because of the statute's 30-day hearing deadline, LBR 4001-4(a) (E.D. Mich.) requires that a motion to extend the stay be filed and served within seven days after the bankruptcy petition is filed. LBR 4001-4(a) provides further: "When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within seven days after filing the motion, the movant may contact the

¹ On October 4, 2021, the clerk issued a notice of deficiency regarding the Motion (Docket # 15, the "Notice"), stating that the proof of service was missing or non-complaint. The Notice also stated: "A corrected/missing document must be filed with the court within seven (7) days of this notice. If not corrected, the case may be dismissed or an order striking the document from the record may be entered by the Court. The new document filed should be identified as 'CORRECTED.'" The Debtor did not correct the deficiency within the 7-day deadline in the Notice. The Debtor did not correct the deficiency until October 13, 2021, 2 days after the deadline in the Notice had expired (Docket # 18).

judge's courtroom deputy clerk to obtain a hearing date within the time limit established by law."

The Debtor filed her voluntary petition for relief under Chapter 7 in this case on September 18, 2021. The Debtor did not file the Motion until October 2, 2021, which was 14 days after the petition date, and the Debtor did not correct the deficiency in the Motion until October 13, 2021, which was 25 days after the petition date. By then it was too late to give creditors reasonable notice of a hearing and conclude a hearing on the Motion, all within 30 days after the petition date (October 18, 2021). So the Motion must be denied.

Accordingly,

IT IS ORDERED that the Motion (Docket # 14) is denied.

Signed on November 2, 2021



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge